

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Bankruptcy Case No. 19-22715-CMB
	:	
5171 Campbells Land Co. Inc.,	:	Chapter 11
	:	
Debtor.	:	
	:	
Marc Group, LLC,	:	
	:	
v.	:	
	:	
5171 Campbells Land Co. Inc.,	:	
	:	
	/	

MOTION TO DISMISS BANKRUPTCY

NOW COMES Marc Group, LLC, a Pennsylvania limited liability company, by its attorney, Joseph E. Hudak, Esq., and files this Motion to Dismiss Bankruptcy, and in support thereof respectfully submits as follows:

A Debtor in a Bankruptcy Must Understand the Consequences of the Proceedings

1. To ensure that the debtor understands the consequences of the present bankruptcy, William T. Kane, the purported owner of the debtor entity, should be questioned in open court. There is a possibility that Kane was led to believe that the debtor entity's debt would be restructured and that Kane would continue to own and operate the entity. There is also the possibility that Kane was told the truth: that there will be a liquidation of whatever assets the debtor entity might hold. To eliminate any question on this fundamental issue, William T. Kane should be ordered to appear and answer fundamental questions before the court.

There Was No Authority for the Filing of This Bankruptcy

2. The bankruptcy petition at the above number was signed by one William T. Kane. Kane, however, had no authority over the debtor entity. To the contrary, the debtor entity was owned by Marc Group, LLC.

3. In November 2018, at Allegheny County No. GD 18-015044, one Peter D. Kaplan entered a judgment against Kane.

4. To collect on the judgment against Kane at Allegheny County No. GD 18-015044, Kaplan followed procedures for “foreclosure” on Kane’s equity in 5171 Campbells Land Co., LLC as set forth in 15 Pa.C.S. 8454.

5. On December 5, 2018, the Court of Common Pleas entered an order at Allegheny County No. GD 18-015044 transferring all of Kane’s equity in 5171 Campbells Land Co., LLC to Kaplan.

6. On January 11, 2019, the Court of Common Pleas issued a rule to show cause why Kaplan’s judgment against Kane at Allegheny County No. GD 18-015044 should not be opened and entered an order vacating the December 5, 2018 order transferring all of Kane’s equity in 5171 Campbells Land Co., LLC to Kaplan.

7. Before the Court of Common Pleas vacated the December 5, 2018 order, however, Kaplan transferred in good faith for value the equity he had acquired by the December 5, 2018 order. The initial transfer of equity was from Kaplan to one Steve Maglin. Maglin then, in turn, in good faith for value transferred the equity to Marc Group, LLC.

8. The January 11, 2019 order of the Court of Common Pleas did not in any way affect the transfer of equity to Marc Group, LLC.

9. Marc Group, LLC is in effect a holder in due course and in effect holds all rights and defenses of a holder in due course.

10. Marc Group, LLC holds all equity in 5171 Campbells Land Co., LLC. An issue must be resolved as to how 5171 Campbells Land Co., LLC relates to 5171 Campbells Land Co. Inc. The transfer of assets in the bankruptcy case of In re Unique Ventures Group, LLC at No. 17-20526-TPA was to 5171 Campbells Land Co., LLC.

WHEREFORE, Marc Group, LLC respectfully requests that the bankruptcy at the above number be dismissed.

/s/ Joseph E. Hudak

Joseph E. Hudak
Pa.I.D.#45882
P.O. Box 11242
Pittsburgh, PA 15238
(412) 867-8119
josephhudaklaw@gmail.com